

Workers' Compensation



A MULTI-DEPARTMENTAL
PRESENTATION TO CLARIFY
REPORTING RESPONSIBILITIES

Presenters

- Karen Peterson - Department of Labor
- John Kirk - Department of Labor
- Mike Sharkey - PMA
- Keith Barron - Insurance Coverage Office
- Katie Horvath - State Personnel

Coverage

- 2/3 wages subject to maximum
- Benefits do not go up with cost of living
- Medical is for treatment of work related injury and consequential injuries
- Not for unrelated medical conditions, it does not replace regular health plan
- Permanency and disfigurement awards scheduled based on medical evidence of limited abilities

Reporting Rules

- Employee has 90 days to report injury to employer (2341)
- Employer has 10 days from when they are aware of injury to report incident to board (2313), State files through TPA first.
Should be reported 3-5 days

Reporting Rules continued

- Insurer/employer must provide acceptance or denial within 15 days of incident or note reason for delay due to need of medical information if delayed.

Recent changes in Compensation Law

- Hearing officers precede IAB hearings
- Time to schedule hearings shortened, adjusters and attorneys will need timely responses to inquiries.

Employee Responsibilities

- Care to avoid injuries
- Use of personal protective equipment
- Report all unsafe conditions
- Report all incidents, whether injury results or not
- Seek medical treatment from provider of choice

Employee Responsibilities continued

- Complete paperwork for supervisor/personnel
- Incident report
- Keep employer and insurer aware of work status or limitations, provide disability slips after each doctor visit, or if capable of returning, cite any restrictions.

Employee Responsibilities continued

- Keep employer aware of reoccurrence

Employer's Responsibilities

- Insure safe environment
- Provide safety equipment and training
- Report unsafe conditions, encourage safe work practices
- Promptly complete paperwork for all injuries or incidents that are likely to develop into care or lost time issues, fax or send by mail as soon as possible (within 3-5 days)

Employer's Responsibilities continued

- Keep adjuster aware (by phone or fax) of work status of employee promptly to avoid duplicate pay situations.
- Make adjuster aware of concerns over claims that are not thought to be work related

Adjuster's Responsibilities

- Receive claim information
- Collect information, phone claimant, supervisor or personnel tech, treating physician, determine compensability in appropriate time frame.
- Pay medical bills, pay lost wages, assess criteria on questionable claims

Adjuster's Responsibilities continued

- Conduct surveillance
- Conduct labor market surveys
- Engage vocational rehabilitation
- Schedule Independent Medical Exams
- Solicit legal advice as needed, support counsel's requests for services

Adjuster's Responsibilities continued

- Identify subrogation opportunities
- INDEX reports on injured workers

State issues in claims handling

- Date of injury does not apply to lost time, no recording of sick time
- Disabilities from 1-3 days are not compensable under the Act, treatment is covered but not lost wages. The State applies sick time for these claims.

Disabilities from 4-6 days are compensable after the 3rd day. Sick time applied for first three days. Disabilities greater than 7 days will be paid from day 1 by the compensation carrier

State issues in claims handling continued

- State paid supplement
- Difference between salary and compensation wage
- 3 months or a year
- Starts over for each new absence after a return to work
- Subject to much abuse

State issues in claims handling continued

- Agencies can apply sick and vacation to extend supplement beyond original period. Most workers try to come back for a day or two, then claim reoccurrence and go back out to restart the supplement

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REPORTING RESPONSIBILITIES